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FM AMEMBASSY QUITO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6509
INFO RUEHBO/AMEMBASSY BOGOTA PRIORITY 6512
RUEHCV/AMEMBASSY CARACAS PRIORITY 2434
RUEHLP/AMEMBASSY LA PAZ MAR 0482
RUEHPE/AMEMBASSY LIMA PRIORITY 1489
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 2023
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C O N F I D E N T I A L QUITO 000554

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E.O. 12958: DECL: TEN YEARS
TAGS: [PGOV](#) [ASEC](#) [PINS](#) [KDEM](#) [EC](#)
SUBJECT: ECUADOR: INSTITUTIONAL BRINKMANSHIP PROVOKES NEW
POLITICAL CRISIS OVER ASSEMBLY

REF: A. QUITO 200

[1](#)B. QUITO 364

Classified By: PolOff Erik Martini for reasons 1.4 (b&d).

[1](#)1. (C) Summary: Culminating a series of moves of dubious legality by the Correa Government, the Supreme Electoral Tribunal (TSE), and Congress, the TSE stripped 57 members of Congress (from the center-right opposition coalition of PRIAN, PSP, PSC and UDC) of their political rights for one year, in retaliation for their efforts to replace the majority of the Tribunal's board. The government has said it will enforce the TSE decision and block the 57 (of a total of 100) deputies from returning to Congress--they will be replaced by alternates from the same political parties. The ousted members of Congress have decried the TSE move as an illegal assault on the legislative branch of government. Congress has suspended session until March 13. Some deposed members have threatened to set up a rebel body, perhaps in Guayaquil.

[1](#)2. (C) The TSE's dispute with Congress originated over the TSE's disregard for Congress' changes to President Correa's

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national constituent assembly statute governing the April 15 referendum. With public opinion heavily favorable to President Correa and the assembly, most people in the capital believe the ousted Congress members got what they deserved. Thus far, the streets of the capital remain calm, but in Guayaquil, the center of the opposition to Correa and the assembly, mayor Jaime Nebot has reportedly called for organized protest. With potential for political conflict growing, we will warn AmCits to exercise caution and avoid any demonstrations. End Summary.

Background

[1](#)3. (U) In late January, Correa and protesters supporting Correa sought TSE approval for a constituent assembly without resort to Congress (Ref A). Rejected, Correa won Congress' approval for the assembly on February 13, with the support of Lucio Gutierrez' PSP votes. In doing so, however, Congress limited the scope of the assembly by inserting language in the assembly statute explicitly respecting the terms of office of Congress and the president. Correa on March 2 sent an altered version of the statute stripping out congressional alterations to the TSE, which approved the revised statute and convoked the referendum for April 15. The majority in

the TSE voting in favor included the PSP nominee, Jorge Acosta, who broke with his political sponsors in doing so. (Note: The TSE, like many independent institutions, is politicized and each major party is allowed to select a member. End Note.)

14. (U) Arguing that Acosta no longer represented the party which had appointed him to the TSE board, PSP leader Gutierrez subsequently supported a majority congressional vote challenging the constitutionality of the TSE's move to the Constitutional Court. On March 6, a majority of 52 Congress members voted to "substitute" its alternate on the TSE for Acosta, and initiated impeachment proceedings against

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the TSE majority on March 7.

TSE Sacks Congress

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15. (U) In response, the four-person TSE majority comprised of Acosta and representatives of the ID, Socialist party, and PRE, late on March 8 issued its order stripping the 52 Congress members who voted for Acosta's substitution, and 5 others who initiated the legal complaint to the Constitutional Court. The TSE action, under article 155 of the election law, strips the congress members of their political rights (effectively removing them from Congress) for one year, for interfering in an electoral process.

16. (U) On March 9, 500 police surrounded the Congress building on March 8 to prevent the 57 deputies from entering. President of Congress Jorge Cevallos (not one of the 57, but from the PRIAN party and supportive of the dismissed bloc) declared the lack of a quorum and convoked the next meeting of Congress for March 13. TSE International Affairs Chief told PolOff on March 7 that the police, controlled by Correa's Ministry of Government, have allowed Acosta to enter the TSE and will give him full protection. Acosta is conducting business as usual as President of the TSE and doesn't fear the move against him. His alternate will not be allowed to enter the building. Correa publicly praised Acosta for bucking party politics and said his government will respect the rule of law embodied in the TSE's decision.

17. (C) Carlos Polit, the PSP-affiliated Comptroller General, told DCM on March 7 that the majority of Congress may simply migrate to Guayaquil, where the powerful mayor, Jaime Nebot, and the public would be more sympathetic. PRIAN Deputy Gloria Gallardo vowed to confront the police in Quito. Congress has also asked Polit, and the recently selected Attorney General, who is backed by the PRIAN, PSP and PSC, to take appropriate measures against Acosta. Government Minister advisor Galo Oliva told PolChief March 7 that the government would not seek to resolve the standoff between the TSE and Congress through dialogue, saying the Congress

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members were guilty and must be sanctioned.

Comment

18. (C) This confrontation reflects engrained disrespect for and manipulation of rule of law on all sides and a peculiarly Ecuadorian form of political brinkmanship. Responsibility for the current institutional impasse is shared among all the players, all of whom have engaged in a dangerous game of escalating political brinkmanship, often with disregard for the constitution and other laws. Blame, as we see it, is ample and justified: Correa for provoking the current round of this fight by disregarding congressional restrictions on the assembly; the TSE majority for not returning the statute to Congress; Congress for attempting to substitute Acosta (without legal basis), and the TSE for applying an electoral regulation designed to address Executive branch interference

against the legislature. Because the TSE is ultimate arbiter on all matters of electoral process and law, there is no other venue available to step in and sort out these various competing legal interpretations of events.

¶9. (C) With Congress adjourned until March 13, a window for stabilizing compromise exists, and we will join with other donor nations and organizations to actively encourage it. However, though he has used his Government Minister to return from the political brink in the past, Correa is less likely to do so now, while basking in public approval at record levels (82%). This raises the likelihood of a dangerous confrontation with Guayaquil's elites, the center for opposition to Correa's change agenda, led by Guayaquil mayor Jaime Nebot. Freshly returned from a family vacation in Disneyland, Nebot has blasted Correa as "less of a statesman than Donald Duck" and vowed to face the government down, possibly through street protests.

¶10. (C) With political tension cresting again here, the Embassy recommends the Department refrain from public pronouncements until the situation is further clarified. We welcome early indications that the OAS is willing to assist with mediation.
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